

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JAMES CRICHTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:09-CV-592
	)	(VARLAN/GUYTON)
TENNESSEE VALLEY AUTHORITY,	)	
	)	
Defendant.	)	

**ORDER**

This civil action is before the Court on defendant Tennessee Valley Authority's ("TVA's") Motion to Withdraw TVA's Motion to Dismiss, or for Summary Judgment on, Plaintiffs' Tort Claims on Discretionary Function Grounds [Doc. 41]. In the motion, TVA moves the Court to withdraw TVA's Motion to Dismiss, or for Summary Judgment on, Plaintiffs' Tort Claims on Discretionary Function Grounds [Doc. 28], filed in this action on March 4, 2010.

In support, TVA submits that the basis for the requested withdrawal is the Court's ruling in the Memorandum Opinion and Order, entered on March 26, 2010, pertaining to TVA's discretionary function motions in seven related cases arising out of the December 22, 2008 Kingston coal ash spill. TVA also submits that, to the extent it determines further briefing is necessary on the discretionary function issue in this action, any later brief submitted by TVA will need to reflect the Court's March 26, 2010 ruling.

For good cause shown, TVA's Motion to Withdraw TVA's Motion to Dismiss, or for Summary Judgment on, Plaintiffs' Tort Claims on Discretionary Function Grounds [Doc. 41] is hereby **GRANTED**. Accordingly, TVA's Motion to Dismiss, or for Summary Judgment on, Plaintiffs' Tort Claims on Discretionary Function Grounds [Doc. 28], entered on March 4, 2010 is hereby **WITHDRAWN** from this action.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE